

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Christopher A. Rowland et al.

Application No.: 10/822,697

Confirmation No.:

Filed: April 13, 2004

Art Unit: 3763

For: APPARATUS FOR PERFORMING
DIAGNOSTIC AND THERAPEUTIC
MODALITIES IN THE BILIARY TREE

Examiner: C. A. Rowland

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action of March 20, 2008, restricting examination to one of three groups of claims in connection with original claims 1-26, it is noted that these claims had been cancelled by a preliminary amendment filed contemporaneously with the filing of the subject continuation application on April 13, 2004. That preliminary amendment substituted new claims 27-42 for the cancelled claims that are the subject of the outstanding restriction and election requirement. Accordingly, the outstanding restriction and election requirement is not applicable to the now pending claims and, therefore, no election of an invention can be made at this time. As the examiner has consider the wrong claims in imposing the requirement, a new office action is respectfully requested.

Applicants believe no further fee is due with this response and in order to maintain co-pendency with the referenced continuation application. However, if further fees are due, please charge our Deposit Account No. 06-2375, under Order No. NY-BSX 201.7CON/10406041 from which the undersigned is authorized to draw.

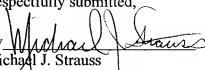
Application No.: 10/822,697

Docket No.: NY-BSX 201.7CON

Dated: April 21, 2008

Respectfully submitted,

By

A handwritten signature in black ink, appearing to read "Michael J. Strauss", is written over the printed name.

Michael J. Strauss

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